

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

Lajuanta Simonet Hair,	)	
	)	
Plaintiff,	)	Civil Action No. 0:15-cv-03287-JMC
	)	
v.	)	<b>ORDER</b>
	)	
Carolyn W. Colvin, Acting Commissioner of the Social Security Administration,	)	
	)	
Defendant.	)	
	)	

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This matter comes before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”), [ECF No. 16], filed on August 12, 2016, recommending that the Commissioner’s final decision be remanded for further consideration of new evidence.<sup>1</sup> Plaintiff filed this Complaint [ECF No. 1] pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), seeking review of an unfavorable final administrative decision made by Defendant, Acting Commissioner of the Social Security Administration (“Commissioner”), denying Plaintiff’s claims for Disability Insurance Benefits (“DIB”). The Report sets forth in detail the relevant

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<sup>1</sup> The Report summarizes the new evidence as follows:

“Hair submitted new evidence to the Appeals Council consisting of medical records dated September 30, 2011 to October 21, 2011 from Self Regional Healthcare; medical records dated March 10, 2014 to January 15, 2015 from Uptown Family Practice; medical records dated June 12, 2014 from Piedmont Spine and Neurological Group; medical records dated December 14, 2014 to February 23, 2015 from Self Regional Healthcare; and an opinion from Dr. John Satterthwaite dated February 27, 2015. The Appeals Council acknowledged and considered the medical records dated September 30, 2011 to October 21, 2011; however, it found that the additional evidence did not provide a basis for changing the ALJ’s decision.”

[ECF No. 16] (internal citations omitted).

facts and legal standards on this matter, and this court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Matthews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge advised the parties of their rights to file objections to the Report within fourteen (14) days of the date of service of the Report. [ECF No. 16.] Defendant sent Notice that she will not file objections to the Magistrate Judge's Report. [ECF No. 17.] In the absence of an objection to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds that the Report provides an accurate summary of the facts and law in the instant matter and does not

contain any clear error. The court **ADOPTS** the Magistrate Judge's Report and Recommendation, [ECF No. 16.] It is therefore **ORDERED** that the Commissioner's decision be **REMANDED** to the Commissioner to allow for the consideration of new evidence.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

September 20, 2016  
Columbia, South Carolina